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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRYAN HOLTZCLAW,
Plaintiff,
v.
ADAM LAXALT, et al.,
Defendants.

Case No. 2:19-cv-00041-RFB-NJK

Order

[Docket No. 138]

On September 18, 2023, Defendants provided notice to the Court that Defendant Gregory Martin died on November 12, 2023. *See* Docket No. 138 at 1.

Rule 25(a) provides that “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party.” Fed. R. Civ. P. 25(a)(1); *Hilao v. Estate of Marcos*, 103 F.3d 762, 765 (9th Cir. 1996) (“The substituted party steps into the same position as the original party”). A motion to substitute a deceased party “may be made by any party or by the decedent’s successor or representative.” *Id.* The motion must be made “within 90 days after service of a statement noting the death, [or] the action by or against the decedent must be dismissed.” *Id.*

Accordingly, the parties are **ORDERED** to file a motion to substitute Defendant Gregory Martin no later than December 18, 2023, or the action against the decedent will be dismissed.

IT IS SO ORDERED.

Dated: September 19, 2023



Nancy J. Koppe
United States Magistrate Judge